

REMARKS

Applicants request favorable reconsideration of the subject application and withdrawal of the drawing objection and rejections set forth in the Office Action dated August 24, 2007, in view of the foregoing amendments and following remarks.

Claims 315-318 are now pending in the subject application, of which claims 315 and 318 are independent. Applicants have cancelled claims 41-50, 62-65, 68-78, and 80-83, and added claims 315-318. Support for these claims can be found in the original disclosure. Therefore, no new matter has been added.

The drawings were objected to as not showing every feature of the invention specified in the claims. Applicants submit that the drawing objection has been rendered moot in light of cancellation of claims 77, 78 and 83.

Claims 41-50, 62-65, and 68-83 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending Application No. 10/774,135, and claims 1-40 of copending Application No. 11/299,115. Claims 41-44, 73, 74, 76, 81, and 82 were rejected under 35 U.S.C. § 103 as being unpatentable over Aesculap in view of Fraser et al. Claims 45-49, 62-64, 68-72 and 75 were rejected under 35 U.S.C. § 103 as being unpatentable over Aesculap in view of Fraser et al. and Michelson. Claims 50 and 65 were rejected under 35 U.S.C. § 103 as being unpatentable over Aesculap in view of Fraser et al. and in further view of Michelson and Gill et al. Claims 77, 78, 80, and 83 were rejected under 35 U.S.C. § 103 as being unpatentable over Aesculap in view of Fraser et al. and Graham. Applicants submit that the double patenting rejection and the

rejections under 35 U.S.C. § 103 set forth in the Office Action have been rendered moot in view of cancellation of claims 41-50, 62-65, 68-78, and 80-83.

Applicants submit new claims 315-318 for examination. The art of record is not understood to teach or suggest the combination of features recited in these claims. For example, with respect to independent claim 315, the cited art is not understood to teach or suggest, at least, a first articular surface including a projection surrounded by a planar surface, and a second articular surface including a recess surrounded by a conical surface. With regard to independent claim 318, the cited art is not understood to teach or suggest, at least, a channel defined in at least one of the first and second pair of laterally facing surfaces.

Accordingly, Applicants submit that these claims are patentable over the cited art of record. Favorable consideration and early passage to issue are respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to the correspondence address of record.

Respectfully submitted,

/Ann M. McCamey/

Attorney for Applicants
Ann M. McCamey
Registration No. 57,016

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 1845613_1.DOC